



National Academy of Public Administration
Chartered by Congress

February 3, 1988

Contracting Officer

STAT

STAT

RE: RFP 88-A109

Dear

STAT

The National Academy of Public Administration Foundation is pleased to submit an original and five copies of Volume II - Cost, of this proposal to conduct a Personnel Study of the Intelligence Community.

The persons authorized to negotiate this proposal and to be contacted for clarification of questions relating to this proposal:

Morton Cohen, Chief Financial Officer, 347-3190

Ray Kline, President 347-3190

The proposal is firm for a period of 90 days from the proposal due date.

The National Academy of Public Administration Foundation is the research organization used by the National Academy of Public Administration to perform its chartered purpose. The resultant contract should use the following corporate name and remittance address.

National Academy of Public Administration Foundation
1120 G Street, NW, Suite 540
Washington, DC 20005

With respect to the anticipated contract provisions, the following may need explanation or clarification

- a. Para G-2 - No. of copies of invoice is not stated.
- b. Para H-6 (b) - The Limitation of Cost article is not clearly stated.
- c. Para H-17 and H-18. We interpret these clauses to mean that Contractor's personnel (both employees and contracted staff) shall at all times be considered and recognized as project staff of the contractor. The latter comment relates to the phrase that contractor's personnel".....shall at all times be considered and recognized as employees of the contractor".

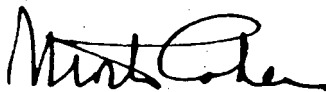
- d. F-4. Period of performance currently is to Jan. 29, 1989. It is suggested that another month be added to permit further follow-up and close-out of the project, if necessary.

In response to your request, we are enclosing the certifications and supplementary data about the National Academy:

1. Representations, Certifications, and other statements of the offeror (Part VI, Section K)
2. Certificate Pertaining to Foreign Interests
3. Congressional Charter - P.L. 98-257
4. Annual Report FY 1986
5. Audited Financial Report FY 1987
6. Tax Exemption Notices

We trust this meets your needs

Sincerely yours,



Morton Cohen
Chief Financial Officer

Enclosures

SN#
CONTRACT #: 88-A109

PART IV, SECTION K

REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFEROR

The full text provisions set forth herein are applicable to this solicitation if checked. The offeror represents and certifies that:

☒ 1. 52.203-2 Certificate of Independent Price Determination (APR 1984)

(a) The offeror certifies that—

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to

(i) those prices,

(ii) the intention to submit an offer, or

(iii) the methods or factors used to calculate the prices offered;

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a formally advertised solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory—

(1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a) (1) through (a)(3) above; or

(2) (i) Has been authorized, in writing to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above _____

(insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization);

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

☒ 2. 52.203-4 Contingent Fee Representation and Agreement (APR 1984)

(a) **Representation.** The offeror represents that, except for full-time bona fide employees working solely for the offeror, the offeror—(Note: The offeror must check the appropriate boxes. For interpretation of the representation, including the term "bona fide employee", see Subpart 3.4 of the Federal Acquisition Regulation.)

(1) () has, ☒ has not employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(2) () has, ☒ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) **Agreement.** The offeror agrees to provide information relating to the above Representation as requested by the Contracting Officer and, when

subparagraph (a) (1) or (a)(2) is answered affirmatively, to promptly submit to the Contracting Officer—

(1) A completed Standard 119, Statement of Contingent or Other Fees, (SF 119); or

(2) A signed statement indicating that the SF 119 was previously submitted to the same contracting office, including the date and applicable solicitation of contract number, and representing that the prior SF 119 applies to this offer.

() 3. 52.208-2 Jewel Bearings and Related Items Certificate (APR 1984)

(a) This is to certify that—

(1) Jewel bearings and/or related items, as defined in the Required Sources for Jewel Bearings and Related Items clause, will be incorporated into one or more items/will not be incorporated into any item (delete one) covered by this offer;

(2) Any jewel bearings required (or an equal quantity of the same type, size, and tolerances) will be ordered from the William Langer Plant, Rolla, North Dakota 58367, as provided in the Required Sources for Jewel Bearings and Related Items clause; and

(3) Any related items required (or an equal quantity of the same type, size, and tolerances) will be acquired from domestic manufacturers, including the Plant, if the items can be obtained from those sources.

(b) Attached to this certificate are estimates of the quantity, type, and size (including tolerances) of the jewel bearings and related items required, and identification of the components, subassemblies, or parts that require jewel bearings or related items.

Date of Execution _____

Solicitation No. _____

Name _____

Title _____

Firm _____

Address _____

() 4. 52.209-1 Qualified Products—End Items (APR 1984)

(a) The Contracting Officer will make awards for end items requiring qualification only if the items are qualified for inclusion in the Qualified Products List (QPL) identified below. The item must be qualified at the time set for opening of bids, or the time of award of negotiated contracts, whether or not the item is actually included in the QPL. Offerors should contract the specification preparing activity (SPA) designated below to arrange for qualification of the products they intend to offer.

QPL _____

SPA (Name) _____

(Address) _____

(b) Offerors shall insert the item name and the test number (if known) of each qualified product in the blank spaces below.

Item Name _____

Test Number _____

(c) Offerors of products that have been qualified, but not yet listed, shall submit evidence of qualification with their offers, in order to receive consideration. If this is a formally advertised acquisition and the qualified product offered is not identified, either above or elsewhere in the bid, the Contracting Officer will reject the bid.

(d) Any change in location or ownership of the plant where a previously qualified product was manufactured requires reevaluation of the qualification. The reevaluation must be accomplished before the bid opening date for advertised acquisitions and before the date of award for negotiated acquisitions. Failure of offerors to arrange for timely reevaluation shall preclude consideration of their offers.

☒ 5. 52.215-6 Type of Business Organization (APR 1984)

The offeror by checking the applicable box, represents that it operates as () a corporation incorporated under the laws of the State of _____, () an individual, () a partnership, ☒ a nonprofit organization, or () a joint venture.

Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114;

(b) It ☒ has, ☐ has not, filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

☒ 15. 52.222-25 Affirmative Action Compliance (APR 1984)

The offeror represents that (a) it ☐ has developed and has on file, ☐ has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (b) it ☒ has not previously had contracts subject to the written affirmative action programs requirements of the rules and regulations of the Secretary of Labor.

☒ 16. 52.223-1 Clean Air and Water Certification (APR 1984)

The offeror certifies that

(a) Any facility to be used in the performance of this proposed contract is ☐, is not ☒ listed on the Environmental Protection Agency List of Violating Facilities;

(b) The offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and

(c) The offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

☐ 17. 52.223-4 Recovered Material Certification (APR 1984)

The offeror certifies, by signing this offer, that recovered materials, as defined in section 23.402 of the Federal Acquisition Regulation, will be used as required by the applicable specifications.

☐ 18. 52.225-1 Buy American Certificate (APR 1984)

The offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act—Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

Excluded End Products	Country of Origin
_____	_____
_____	_____
_____	_____

(List as necessary)

Offerors may obtain from the Contracting Officer lists of articles, materials, and supplies excepted from the Buy American Act (listed in section 25.105 of the Federal Acquisition Regulation).

☐ 19. 52.225-6 Balance of Payments Program Certificate (APR 1985)

(a) The offeror hereby certifies that each end product or service, except the end products or services listed below, is a domestic end product or service (as defined in the clause entitled "Balance of Payments Program") and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded End Products or Services

Line Item No.	Country of Origin
_____	_____
_____	_____
_____	_____

(List as necessary)

(b) Offers will be evaluated by giving a certain preference to domestic end products or services over foreign end products or services. Evaluation

will be in accordance with section 25.303(b) of the Federal Acquisition Regulation.

(c) Offers will be evaluated in accordance with Part 25 of the Federal Acquisition Regulation.

☐ 20. 52.227-7 Patents—Notices of Government Licensee (APR 1984)

The Government is obligated to pay a royalty applicable to the proposal acquisition because of a license agreement between the Government and the patent owner. The patent number is _____, and the royalty rate is _____. If the offeror is the owner of or a licensee under, the patent, indicate below:

☐ owner

☐ licensee

If an offeror does not indicate that it is the owner or licensee of the patent, its offer will be evaluated by adding thereto an amount to the royalty.

☒ 21. 52.230-1 Cost Accounting Standards Notices and Certification (National Defense) (APR 1984)

Note: This notice does not apply to small businesses or foreign governments.

This notice is in four parts, identified by Roman Numerals I through IV.

Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

I. DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

(a) Any contract in excess of \$100,000 resulting from this solicitation, except contracts in which the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, and except for contracts which may be exempt under the provisions of CFR 331.30(b) will be subject to the requirements of the Cost Accounting Standards Board (CASB).

(b) Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the CASB must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) below.

CAUTION: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box below:

☐ (1) Certificate of Concurrent Submission of Disclosure Statement

The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows:

(i) Original and one copy to the cognizant Administrative Contracting Officer (ACO), and

(ii) one copy to the cognizant contract auditor.

(Disclosure must be on Form Number CASB-DS-. Forms may be obtained from the cognizant ACO.)

Date of Disclosure Statement: _____

Name and Address of Cognizant ACO where filed: _____

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

C. Data Required—CAS Covered Offerors

The offeror certifying that it is currently performing a national defense contract containing either CAS clause (see A above) is required to furnish the name, address (including agency or department component), and telephone number of the cognizant Contracting Officer administering the offeror's CAS-covered contracts.

Name of Contracting Officer: _____

Address: _____

Telephone Number: _____

() 23. 52.247-53 Freight Classification Description (APR 1984)

Offerors are requested to indicate below the full Uniform Freight Classification (rail) description, or the National Motor Freight Classification description applicable to the supplies, the same as offeror uses for commercial shipment. This description should include the packing of the commodity (box, crate, bundle, loose, setup, knocked down, compressed, unwrapped, etc.) unusual shipping dimensions, and other conditions affecting traffic descriptions. The Government will use these descriptions as well as other information available to determine the classification description most appropriate and advantageous to the Government. Offeror understands that shipments on any f.o.b. origin contract awarded, as a result of this solicitation, will be made in conformity with the shipping classification description specified by the Government, which may be different from the classification description furnished below.

FOR FREIGHT CLASSIFICATION PURPOSES, OFFEROR DESCRIBES THIS COMMODITY

AS _____

(X) 24. 52.227-7028 Requirement for Technical Data Certification (APR 1974)

The offeror shall submit with his offer a certification as to whether he has delivered or is obligated to deliver to the Government under any contract or subcontract the same or substantially the same technical data included in his offer; if so, he shall identify one such contract or subcontract under which such technical data was delivered or will be delivered, and the place of such delivery.

(X) 25. 52.204-761 Foreign Ownership Control, or Influence (APR 1984)

Offerors responding to the Request for Proposal (RFP) or contract (as appropriate) are advised that it is the Government's intent to secure services or equipment from firms which are not under foreign ownership, control, or influence (FOCI) or where any FOCI may, in the opinion of the Government adversely impact on security requirements. Accordingly, all offerors responding to this RFP or initiating performance of a contract are required to submit a DOD Form 441s (Certificate Pertaining to Foreign Interests) with their proposal or prior to contract performance (as appropriate). DOD FORM 441s entries should specify, where necessary, the identity, nature, degree, and impact of any FOCI on their organization or activities. Notwithstanding the limitation on contracting with a offeror under FOCI identified above, the Government reserves the right to contract with such offerors under appropriate arrangements, when it determines that such contracts will be in the best interest of the Government.

(X) 26. 52.204-762 Industrial Contractors Polygraph Program (APR 1984)

Security is a criterion in the evaluation of proposals received in response to this solicitation. The adequacy of the requirements, including participa-

tion in the Industrial Polygraph Program, are subcriteria in the evaluation. Participation in the Industrial Polygraph Program is a mandatory requirement. The polygraph coverage under this program is limited to counter-intelligence issues. Please indicate your willingness to participate in this Industrial Polygraph Program.

Will Participate ☒ _____

Will Not Participate _____

() 27. 52.204-763 Protection Against Compromising Emanations (APR 1984) (Modified)

The offeror shall certify in his proposal that computer equipment, as specified by the Government, to be provided or used under this contract has been accredited to meet the appropriate security requirements of the National Communications Security Subcommittee on Compromising Emanations (SOCCE) National TEMPEST standards (NACSEM No. 5100a, "Compromising Emanations Laboratory Test Standard, Electromagnetics (U)") or other specified standard and, upon request of the Contracting Officer, shall provide documentation supporting this accreditation.

(X) 28. 52.204-764 Organizational Conflict of Interest Notification (APR 1984)

(a) The prospective Contractor certifies, to the best of its knowledge and belief, that it is not aware of any information bearing on the existence of any potential organizational conflict of interest. If the prospective Contractor cannot so certify, it shall provide a disclosure statement in its proposal which describes all relevant information concerning any past, present, or planned interests bearing on whether it (including its chief executives and directors, or any proposed consultant or subcontractor) may have a potential organizational conflict of interest.

(b) Prospective Contractors should refer to FAR Subpart 9.5 for policies and procedures for avoiding, neutralizing, or mitigating organizational conflicts of interest.

(c) If the Contracting Officer determines that a potential conflict exists, the prospective Contractor shall not receive an award unless the conflict can be avoided or otherwise resolved through the inclusion of a special contract clause or other appropriate means. The terms of any special clause are subject to negotiation.

(X) 29. 52.204-765 Current/Former Agency Employee Involvement Certification (APR 1984)

The Offeror certifies that:

(a) He is () is not (☒) a former Agency employee whose Agency employment termination within one year prior to submission of this offer

(b) He does () does not (☒) employ or propose to employ a current/former Agency employee whose Agency employment terminated within one year prior to the submission of this offer and who has been or will be involved, directly or indirectly in developing or negotiation this offer, or in the management, administration or performance of any contract resulting from this offer.

(c) He does () does not (☒) employ or propose to employ as a consultant or subcontractor under any contract resulting from this offer a current/former Agency employee whose Agency employment terminated within one year prior to submission of this offer.

(d) A former Agency employee whose Agency employment terminated within one year prior to submission of this offer or such former employee's spouse or minor child does () does not (☒) own or substantially own or control the offeror's firm.

CERTIFICATE PERTAINING TO FOREIGN INTERESTS	TYPE OR PRINT ALL ANSWERS	Form Approved OMB No. 32-00103
<u>PENALTY NOTICE</u>		
<p>PENALTY — Failure to answer all questions, or any misrepresentation (by omission or concealment, or by misleading, false or partial answers) may serve as a basis for denial of clearance for access to classified Department of Defense information. In addition, Title 18, United States Code 1001, makes it a criminal offense, punishable by a maximum of five (5) years imprisonment, \$10,000 fine, or both, knowingly to make a false statement or representation to any Department or Agency of the United States, as to any matter within the jurisdiction of any Department or Agency of the United States. This includes any statement made herein which is knowingly incorrect, incomplete or misleading in any important particular.</p>		
<u>PROVISIONS</u>		
<p>1. This report is authorized by the Secretary of Defense pursuant to authority granted him by L.O. 10865. While you are not required to respond, your eligibility for a facility security clearance cannot be determined if you do not complete this form. The retention of a facility security clearance is contingent upon your compliance with the requirements of DoD 5220.22-M for submission of a revised form as appropriate.</p> <p>2. When this report is submitted in confidence and is so marked, applicable exemptions to the Freedom of Information Act will be invoked to withhold it from public disclosure.</p> <p>3. Complete all questions on this form. Answer each question in either the "Yes" or "No" column. If your answer is "Yes" furnish in full the complete information under "Remarks".</p>		
QUESTION -	YES	NO
1. Do foreign interests own or have beneficial ownership in 5% or more of your organization's securities?		X
2. Does your organization own any foreign interest in whole or in part?		X
3. Do any foreign interests have positions, such as directors, officers, or executive personnel in your organization?		X
4. Does any foreign interest control or influence, or is any foreign interest in a position to control or influence the election, appointment, or tenure of any of your directors, officers, or executive personnel?		X
5. Does your organization have any contracts, agreements, understandings or arrangements with a foreign interest(s)?		X
6. Is your organization indebted to foreign interests?		X
7. Does your organization derive any income from Communist countries or income in excess of 10% of gross income from non-Communist foreign interests?		X
8. Is 5% or more of any class of your organization's securities held in "nominee shares," in "street names" or in some other method which does not disclose the beneficial owner of equitable title?		X
9. Does your organization have interlocking directors with foreign interests?		X
10. Are there any citizens of foreign countries employed by or who may visit your facility (or facilities) in a capacity which may permit them to have access to classified information (exclude cleared immigrant aliens in answering this question)?		X
11. Does your organization have any foreign involvement not otherwise covered in your answers to the above questions?		X

DD FORM 441s
1 SEP 76

EDITION OF 1 MAR 60 IS OBSOLETE

REMARKS (Attach additional sheets, if necessary, for a full detailed statement)

CERTIFICATION

I CERTIFY that the entries made by me above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

WITNESS:

Robert F. Thomas

February 3, 1988

DATE CERTIFIED

By

Ray Kline

National Academy of Public Administration Foundation

CONTRACTOR

President

TITLE

1120 G Street, NW Suite 510 Washington DC 20005

ADDRESS

NOTE: In case of corporation, witnesses not required but certificate below must be completed. Type or print names under all signatures.

NOTE: Contractor, if a corporation, should cause the following certificate to be executed under its corporate seal, provided that the same officer shall not execute both the agreement and the certificate.

CERTIFICATE

I, Morton Cohen, certify that I am the Asst Treasurer of the corporation named as Contractor herein; that Ray Kline who signed this certificate on behalf of the Contractor, was then President of said corporation; that said certificate was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

(Corporate Seal)

Morton Cohen 2/2/88

SIGNATURE AND DATE

Department of the Treasury

District Director

Internal Revenue Service

Date:

JUN 26 1972

In reply refer to:

Am: 6A1:1130 TM



The National Academy of Public
Administration Foundation
1225 Connecticut Avenue
Washington, D.C. 20036

Gentlemen:

We have evaluated your foundation status notification and based upon information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are an organization described in section 509(a)(3).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

If your sources of support, or your purposes, character, or method of operation is changed, you must let us know so we may consider the effect of the change on your status. Also, you must inform us of all changes in your name or address.

Please keep this determination letter in your permanent records.

Sincerely yours,

Irving Tachiz
Irving Tachiz
District Director

cc: Mitchell Rojovin
1229 - 19th Street, N.W.
Washington, D.C. 20036

Nat

Address any reply to: 31 Hopkins Plaza, Baltimore, Md. 21201

Department of the Treas.

**District Director
Internal Revenue Service**

Date: DEC 8 1970

In reply refer to:
At: FA:1150:BH



► **The National Academy of Public
Administration Foundation
1225 Connecticut Avenue, N.W.
Washington, D. C. 20036**

Purpose: Educational and Scientific

**Address Inquiries to the District
Director of Internal Revenue: Baltimore, Maryland**

**File Returns With: Mid-Atlantic Service Center
Accounting Period Ending: December 31**

Gentlemen:

Based on information supplied, and assuming your operations will be as stated in your exemption application, we have determined that you are exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code. Any change in your purposes, character, or method of operation must be reported to us so we may consider the effect of the change on your exempt status. You must also report any change in your name and address.

Pending issuance of regulations under Section 509 of the Code, we are unable to make a determination as to whether you are a private foundation as defined in that section. Upon issuance of the regulations we will evaluate your application, make a determination as to your status under Section 509 of the Code, and notify you of our decision.

For years beginning prior to January 1, 1970, you ~~are~~ are not required to file the annual information return, Form 990-A. For each subsequent year, please refer to the instructions accompanying the information return for that particular year to determine whether you are required to file. If filing is required, you must file the information return by the 15th day of the fifth month after the end of your annual accounting period.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under Section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities is unrelated trade or business as defined in Section 513 of the Code.

(Over)

FORM 5627 (11/70)

-2-

You are liable for social security (*FICA*) taxes only if you have filed waiver of exemption certificates, Forms SS-15, SS-15a, as provided in the Federal Insurance Contributions Act. You are not liable for Federal unemployment taxes.

Donors may deduct contributions to you, as provided by Section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes under Sections 2055, 2106, and 2522 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your exemption application a number will be assigned to you and you will be advised of it. Please use that number on all returns and in all correspondence with the Internal Revenue Service.

This is a determination letter.

Sincerely yours,


Irving Machlis
District Director

cc: Mitchell Rogovin, Esq.
Arnold & Porter
1229 - 19th Street, N.W.
Washington, D. C. 20036

Department of the Treasury

**District Director
Internal Revenue Service**

Date
MAR 28 1972

In reply refer to:

AU:PA1:1130:PH



The National Academy of Public
Administration
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Gentlemen:

We have evaluated your foundation status notification and based upon information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are an organization described in section 170(b)(1)(A)(vi).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

If your sources of support, or your purposes, character, or method of operation is changed, you must let us know so we may consider the effect of the change on your status. Also, you must inform us of all changes in your name or address.

Please keep this determination letter in your permanent records.

Sincerely yours,

Irving Machiz
District Director

Address any reply to: 31 Hopkins Plaza, Baltimore, Md. 21201

Department of the Treasury

**District Director
Internal Revenue Service**

Date: **DEC 8 1970** In reply refer to: **At:FA:1150:BE**



► **The National Academy of Public
Administration
1225 Connecticut Avenue, N.W.
Washington, D. C. 20036**

Purpose: Educational

**Address Inquiries to the District
Director of Internal Revenue: Baltimore, Maryland**

File Returns With: Mid-Atlantic Service Center

Accounting Period Ending: December 31

Gentlemen:

Based on information supplied, and assuming your operations will be as stated in your exemption application, we have determined that you are exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code. Any change in your purposes, character, or method of operation must be reported to us so we may consider the effect of the change on your exempt status. You must also report any change in your name and address.

Pending issuance of regulations under Section 509 of the Code, we are unable to make a determination as to whether you are a private foundation as defined in that section. Upon issuance of the regulations we will evaluate your application, make a determination as to your status under Section 509 of the Code, and notify you of our decision.

For years beginning prior to January 1, 1970, you ~~are~~ are not required to file the annual information return, Form 990-A. For each subsequent year, please refer to the instructions accompanying the information return for that particular year to determine whether you are required to file. If filing is required, you must file the information return by the 15th day of the fifth month after the end of your annual accounting period.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under Section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities is unrelated trade or business as defined in Section 513 of the Code.

-2-

You are liable for social security (*FICA*) taxes only if you have filed waiver of exemption certificates, Forms SS-15, SS-15a, as provided in the Federal Insurance Contributions Act. You are not liable for Federal unemployment taxes.

Donors may deduct contributions to you, as provided by Section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes under Sections 2055, 2106, and 2522 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your exemption application a number will be assigned to you and you will be advised of it. Please use that number on all returns and in all correspondence with the Internal Revenue Service.

This is a determination letter.

Sincerely yours,

Irving Machiz
Irving Machiz
District Director

cc: Mitchell Rogovin, Esq.
Arnold & Porter
1229 - 19th Street, N.W.
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Congressional Charter

PUBLIC LAW 98-257—APR. 10, 1984

98 STAT. 127

Public Law 98-257
98th Congress

An Act

To charter the National Academy of Public Administration.

Apr. 10, 1984
[H.R. 3249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER.

36 USC 2301.

The National Academy of Public Administration, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

SEC. 2. POWERS.

36 USC 2302.

The National Academy of Public Administration (hereinafter referred to as the "academy") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

SEC. 3. OBJECTS AND PURPOSES OF CORPORATION.

36 USC 2303.

The objects and purposes for which the Academy is organized shall be those provided in its articles of incorporation and shall include—

- (1) evaluating the structure, administration, operation, and program performance of Federal and other governments and government agencies, anticipating, identifying, and analyzing significant problems and suggesting timely corrective action;
- (2) foreseeing and examining critical emerging issues in governance, formulating practical approaches to their resolution;
- (3) assessing the effectiveness, structure, administration, and implications for governance of present or proposed public programs, policies, and processes, recommending specific changes;
- (4) advising on the relationship of Federal, State, regional, and local governments; increasing public officials', citizens', and scholars' understanding of requirements and opportunities for sound governance and how these can be effectively met; and
- (5) demonstrating by the conduct of its affairs a commitment to the highest professional standards of ethics and scholarship.

SEC. 4. SERVICE OF PROCESS.

36 USC 2304.

With respect to service of process, the Academy shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

36 USC 2305.

Eligibility for membership in the Academy and the rights and privileges of members shall be as provided in the bylaws of the corporation.

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36 USC 2306. SEC. 6. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The board of directors of the Academy and the responsibilities thereof shall be as provided in the articles of incorporation of the Academy and in conformity with the laws of the State or States in which it is incorporated.

36 USC 2307. SEC. 7. OFFICERS OF CORPORATION.

The officers of the Academy, and the election of such officers, shall be as is provided in the articles of incorporation of the Academy and in conformity with the laws of the State or States wherein it is incorporated.

36 USC 2308. SEC. 8. RESTRICTIONS.

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the Academy or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers and members of the Academy or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The Academy shall not make any loan to any officer, director, or employee of the corporation.

(c) The Academy and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The Academy shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The Academy shall not claim congressional approval or Federal Government authority for any of its activities, other than by mutual agreement.

(f) The Academy shall retain and maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

36 USC 2309. SEC. 9. LIABILITY.

The Academy shall be liable for the acts of its officers and agents when acting within the scope of their authority.

36 USC 2310. SEC. 10. BOOKS AND RECORDS; INSPECTION.

The Academy shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the Academy involving any of its members, the board of directors, or any committee having authority under the board of directors. The Academy shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(61) National Academy of Public Administration."

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SEC. 12. ANNUAL REPORT.

36 USC 2311.

The Academy shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

36 USC 2312.

The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

SEC. 14. DEFINITION OF "STATE".

36 USC 2313.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

36 USC 2314.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

SEC. 16. TERMINATION.

36 USC 2315.

If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

SEC. 17. SERVICE TO THE GOVERNMENT OF THE UNITED STATES.

36 USC 2316.

The National Academy of Public Administration shall, whenever called upon by Congress, or the Federal Government, investigate, examine, experiment, and report upon any subject of government, the actual expense of such investigations, examinations, and reports to be paid by the Federal Government from appropriations available for such purpose.

Approved April 10, 1984.

LEGISLATIVE HISTORY—H.R. 3249 (S. 2102):

HOUSE REPORT No. 98-491 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 129 (1983): Nov. 14, considered and passed House.

Vol. 130 (1984): Mar. 27, considered and passed Senate.

